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|                                    |   |                  |
|------------------------------------|---|------------------|
| In re Application of               | : | DECISION ON      |
| KUMABE, Takashi et al.             | : |                  |
| Application No. 10/596,906         | : |                  |
| PCT No.: PCT/JP2004/019560         | : |                  |
| Int. Filing Date: 27 December 2004 | : | PETITION UNDER   |
| Priority Date: 26 December 2003    | : |                  |
| Attorney's Docket No.: NIS-16741   | : |                  |
| For: AUTOMATIC VENDING MACHINE     | : |                  |
|                                    | : | 37 CFR §1.137(b) |

This petition decision is in response to Applicant's "Petition For Revival Of An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)," filed on 28 June 2006. The large entity fee for the Petition in the amount of \$1500 has been submitted.

**BACKGROUND**

On 27 December 2004, the above-named international application was filed with claimed foreign priority to 26 December 2003. Under 37 CFR §1.495(b), Applicant must submit the items identified in 37 CFR §1.495(b) no later than 30 months from the date of priority upon entrance into the national stage of examination. In the instant application, the thirty-month date would be 26 June 2006.

On 28 June 2006, a "Transmittal Letter To The United States Designated/Elected Office (DO/EO/US) Concerning A Submission Under 35 USC 371" was received in the United States Patent and Trademark Office (USPTO) that included an "express request to begin national examination procedures" under 35 USC §371(f) and that had the parts required under 37 CFR §1.495(b) in order to enter the national phase, including the required fees. The 28 June 2006 Letter was accompanied by a "Petition For Revival Of

An International Application For Patent Designating The U.S. Abandoned Unintentionally Under 37 CFR 1.137(b)” with the large entity petition fee of \$1500 as provided for in 37 CFR §1.17(m).

Since the basic national fee was received after the thirty-month period for entry into the national phase of examination had expired, the instant application went abandoned at midnight of 26 June 2006.

### **DISCUSSION**

Under 37 CFR §1.137(b), a grantable petition for revival of an unintentionally abandoned application must be accompanied by: (1) the reply required to the outstanding Office action or notice, unless previously filed; (2) the petition fee as set forth in 37 CFR §1.17(m); (3) a statement under 37 CFR §1.137(b)(3) that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition under 37 CFR §1.137(b) was unintentional; and (4) any terminal disclaimer that may be required under 37 CFR §1.137(d).


The Petitioner has submitted the basic national filing fee (large entity) of \$300, has submitted the petition fee (large entity) of \$1500, and has stated that the entire delay in filing the required reply from the due date for the reply until the filing of a grantable petition pursuant to this paragraph was unintentional. A terminal disclaimer is not required.

### **DECISION**

For the reasons set forth above, the petition under 37 CFR §1.137(b) is hereby **GRANTED**.

This application is being forwarded to the United States Designated Office/Elected Office (DO/EO/US) for further processing.

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